MAYOR HALL.

Opening Proceedings in the Trial of Mayor Hall for Alleged Neglect of Official Duty.

THE PUBLIC EXCITEMENT

Great Array of Counsel on Both Sides.

Only Three Jurors Obtained Up to the Time of Adjournment.

Bigid Examination of an Editor as to His Claims Against the City and as a Sinecurist.

The Trial To Be Resumed This Morning.

The trial of the Chief Magistrate of the Empire Oity of the Empire State of the Union, which was enced yesterday before Chief Justice Charles P. Daly, of the Common Pleas, promises to be the se célébre of the day. Few sensational dramas real life pass away from public view without ach stage effect and consequent notoriety as is are to be added by a representation of all the leadng points in the law courts of our city. These have more or less their tragical and their comical meations and characteristics from the rising of is no doubt a subject of public comderers of the city treasury, who have been held for trial in bonds for a million none of them have yet been proceeded against, while the Mayor of the city is selected for the first legal criminal ion that has been instituted by the self-styled reformers of our city government. The defendant, almost a legal luminary of the first rank, will not trust to the law's delay to give him final deliverance from those who seek his conviction at the ds of his peers, but boldly demands and insists mon his right of trial upon the indictmens charged defer arraignment and trial until they are prepared to proceed against against the city, hoping that then in the heat of public excitement from the long-promised dissures, the Mayor, however unintentional his wrong-doing might prove to be, would suffer from e general verdict of condemnation which they anticipate from the trial of other city officials. The Mayor, however, with a true appreciation of his osition and what is due to the citizens who ed him there, knows that to justily him in connuing to hold the office he must be justified of all men and absolved from all charges of wrong-doing hy a verdict of his fellow citizens sworn to try him. sterday being the day appointed for the tria

the court room of the General Sessions was crowded from an early hour, Captain McCloskey being adrse to keeping the doors closed against the reetable class of citizens that applied for admisn. As on the previous Monday, the day first set part for the trial of the case, the large audience at perfectly still and slient while anxiously awaiting the opening of the proceedings. The Judge's private door was, however, strictly guarded, and

private door was, however, strictly guarded, and none but a few well known professional gentlemen and reporters of the press, who had been previously furnished with passes, were allowed to pass through. At eleven o'clock

And Straightway proceeded to the outer bar. With him or immediately following him were his counsel, a formidable array of legal talent—even himself a host. His counsel consisted of Auron J. Vanderpoel, his pattner; E. W. Stoughton, Ira Shafer, ex-Recorder Smith, J. E. Burni and P. C. D. Buckley. These gentlemen stood clustered together, making no sign for the nece sary accommodation of chairs and a table to sit at, from which it was surmised by

and a table to sit at, from which it was surmised by some of the knowing ones of the press that a motion to adjourn to the Court of Common Peas would soon be in order. After the defendant's counsel entered the COUNSEL FOR THE PROSECUTION, consisting of Lyman Tremain, representing the state Attorney General, and associated with whom was Mr. Heary L. Chalon and Mr. Peckham. Mr. Algernon S. Sullivan represented the District Attorney. It still wanted a few minutes to eleven cleek when

CHIEF JUSTICE DALY. of the Common Fieas, entered and at once took his seat on the beach. A few minates of consultation followed between counsel on either side and the Court, when at last it was decided to remove the trial of the case to the General Term of the Common Fieas. There was the usual stampede of reporters, lawyers, cierks, officers and the general audience to the room designated all auxious to secure places. Very considerable delay ensued, as it was some time before the needed accommodation was secured for all. Mr. Sparkes, the Clerk of the General Sessions; the official stenegrapher, Mr. Anderson; captain McClosky and the whole official machinery of the General Sessions, usurped the places of the regular attachés of the Common Ficas. At last, all being prepared, Mr. Sparkes proceeded with the call of the panel of juriors, 500, specially summoned on the case of The People vs. The Mr. yor.

The first juror that answered to his name was the First Juror Sworn.

The first jutor that answered to his name was the First jurior sworm.

James W. James, after taking the each to true answers make to such questions as might be put to him touching his commetency to serve as a juror in the case of the people against the defendant (Mayor Hall), was interrogated by Mr. Fithhan, one of the comisel for the accused:—

Q. What is your business and how long have you resided and where do you at present reside in this city? . A. I am a real estate broker as to business; have resided in this city nineteen years and my present place of business is at No. 101 Orchard street.

Q. You know, I suppose, the nature of the charges gainst the defendant? A. Yes, through newspa-

against the defendant? A. Yes, through newspaper reports.
Q. have you heard the matter at issue discussed to any extent in your presence? A. Yes; I have heard it discussed more or less.
Q. have you formed any opinion on the subject of the guit or innocence of the prisoner on the indiction of the guit or innocence of the prisoner on the indiction of the guit or innocence of the prisoner on the indiction.
A. That is a hard question to answer.
Q. Still, it is a question you must answer, with entire frankness, whether you have formed any opinion one way or the other in regard to the charges against Mayor Hall. A. The only opinion I have formed was what I got from reading the newspapers.

papers.
Q. Did you express an opinion on the subject, or nave you takked on the subject with any person?
A. Yes, in a social way I have,
Q. Have you takked with persons in a social way who have expressed opinions on the subject? A.

Q. Have you talked with persons in a social way who have expressed opinions on the subject? A. Yes.

Q. Have you expressed any opinion or judgment of your own pro or con when talking on the subject. A. I have not the slightest doubt that I have expressed an opinion on the subject.

CKALLENGE FOR CAUSE.

Mr. Henry L. Chinton, for the prosecution, then interrogated the juror:—
Q. Have you expressed any opinion as to the guilt or innocence of the Mayor? A. No, sir.
Q. You say that you have read the newspapers on this subject. Now, assuming that the charges embraced in these newspaper reports were true, have you expressed any opinion in this way—that if the newspaper charges were true that, the Mayor was guilty? A. No, sir.

Hy Mr. Fithian—Q. You have expressed an opinion in this way—that if the charge contained in the newspapers were true, then the Mayor would be guilty? A. Yes, sir.

By Mr. Clinton—Q. If you were sworn to serve as a juror in this case is your mind so free from bhas or prejudice ore way or the other that you could return a verdict without reference to any opinion you might have previously formed? A. Yes, sir.

Mr. SMITH, for the defence, objected to the juror addressing the Court. He said that the juror nad expressed an opinion on the very charges that had been made against Mayor Hall. He says that he has read the papers and that if the charges against the Mayor signify. Now, supposing for the purpose of testing this case that every word so charged in the papers should turn out on evidence as true. Your Honor understands that would be but one single step in the case that every word so charged in the papers should turn out on evidence as true. Your Honor understands that would be but one mingle step in the case that every word so charged in the papers should turn out on evidence as true. Your Honor understands that would be but one mingle step in the case that every word so charged in the papers good that the evidence subsequently might be, that impression carries a party beyond that condition in w

called upon to decide the question at issue, the defence having finally accepted the juror.

By Mr. Fithian—Q. How long since was your attention first drawn to the case out of which the incident was made? A. My attention was first drawn to the case through the headings in the

Q. Bave you read the papers regularly since? A. Yes, as often as I got a chance.
Q. Did you attend any of the public meetings held in connection with the mater: any of the meetings at the Cooper Institute? A. No, sir.
Q. Have you read any of the speeches made on that occasion? A. No, sir; I never attend political

that decasion? A. No, sir; I never attend positical meetings.
Q. Have you heard of the body of gentiemen called or generally known as the Committee of Seventy? A. Yes, sir.
Q. Are you personally acquainted with any of the gentiemen composing that body? A. No, sir.
Q. Have you ever had conversations with persons in relation to the matters and things which that committee had in charge? A. No, sir; not to my knowledge.

committee had in charge? A. No, sir; not to my knowledge.

Q. You stated that you expressed an opinion with regard to the matters out of which this indictment grew, and fur ther said that if the charges were true that you read in the papers, that then the Mayor was gulity. What charges did you reier to?

A. The general charges; I talked with parties coming to my office on the subject.

Q. You have talked on the subject of these charges in connection with real estate interests and the taxes on real estate. Now, I ask you, have you formed an opinion on the conduct of the Mayor with regard to the charges on real estate, with adding debts upon the city, allowing claims to accumulate against the city, so far as that conduct might have affected these matters, either one way or the other?

A. It would be hard for me to answer that question; property owners would come to the office and talk of the high rate of taxes.

Q. Do you desire to serve as a juror in this case?

A. No, sir; I want to get away from it very bad. (Laughter in Court.)

Q. Have you discussed the conduct of the Mayor with regard to his conduct as a member of the Egard of Audit? A. No, sir.

Q. Hat that conversation with regard to taxation anything to do with your real estate transactions?

A. 1e, sir.

Q. Was to fa character to make an impression on

of Audit? A. No, sir.

Q. Had that conversation with regard to taxation anything to do with your real estate transactions?
A. Yes, sir.

Q. Was it of a character to make an impression on you as to accounts charged or discharged against the city? A. No, sir.

Q. Have you ever expressed any opinion, one way or the other, with regard to the connection of the mayor with the city government as to its economical government or otherwise? A. No, sir.

After further questioning as to legal competency the juror was swore, the first that answered to his name and the first accepted.

The next juror that answered to his name and was accepted after the usual interrogatories was

MR. MATHIAS CLARKE (JUROR NO. 2),

President of the People's Fire insurance Company.
Had talked on the subject of the charges against the Mayor, but had not expressed any opinion thereon; knew nothing of the charges only from newspaper reports; never accepted them as sufficient to convict a man of any charge.

HENRY A. ROYSE ON THE STAND.

The next juror answering to his name was Mr. Henry A. Royse, who stated that he was a lumber merchant, doing business at 519 West Fourtecath street; was not acquanted with Mayor Hal; never had orders for supplying lumber in the erection of any buildings belonging to the government; read the charges against the Mayor in the newspapers; had formed no opinion whether the Mayor was negligent in auditing claims preferred against the City; had formed no opinion at all upon the subject.

Mr. ULINTON—That is to say, you believe him innocent of the charge, or that he did not do anyulning wifully or intentionally against the law? A. Yes, sir.

Q. And that is your present opinion? A. Yes, sir.

Mr. CLINTON—That is to say, you believe him innocent of the charge, or that he did not do anything wilfully or intentionally against the law? A. Yes, sir.

Q. And that is your present opinion? A. Yes, sir. Mr. Firthan—You believe him innocent till proven guilty? A. Yes, sir.

By Mr. CLINTON—Your belief is that if the Mayor wilfully and knowingly audited accounts against the city or neglected to andit accounts, that neglect, if neglect there was, you believe was not wilful or intentional? A. Yes, sir.

Q. And that is your opinion now? A. Yes, sir.

By Mr. Firthan—You have formed no opinion as to his guit or innocence, have you? A. No, sir—no solid opinion.

Q. Have you any opinion one way or the other that would require evidence to change it, whether the Mayor is or is not guilty of the charges brought against him? A. No, sir.

Q. Do you think, notwithstanding everything that you have heard and read in the case, you could try the case as a sworn juror on the evidence that would be submitted to you without any bins or prejudice arising iron previously formed opinions on the subject? A. Yes, sir.

The case was then about to be given to the triers (the lirst two jurors sworn) when

MAYOR HALL.

arose and addressed the thers on the question at issue—the competency of the juror to serve as argainst the challenge for favor. There was a broatness silence in court as the Mayor rose, and for a moment he threw his eyes around the room. The Mayor said:—

GENTLEMEN OF THE JURY—The witness on the stand testifies whether or not he knows anything to incapacitate him from sitting as a jaror in that box on the trial or this case. He stands there as the embodiment of the law as it is dedued in this issue, the indictment and are to-day in court to answer it. First, you are charged with having neglected to madit, and second, you are in court under indictment for having willully, intentionally and whom have he indictment and are to-day in court to answer it. First, you are on the stand there as the embodiment of the law and tine con until he has proven his lindocence. But in a forum like this, gentlemen, it is exactly the opposite, and every man, from the highest to the lowest in this forum, has the law's presumption of innocence in his favor. Now, gentlemen on the other side endeavor to remove from the jury box in which you sit a juror who is saturated with the spirit of the law on the very subject matter that he would be called to adjudicate upon. If this juror had said upon our challenge. I believe that the Mayor is guilty of navinx neglected to audit this bill set up on the indictment, and is guilty of wilful and intentional neglect, he could not have gone into that jury box, for he would go there in that case as against the presumption of the law. And, therefore, all that the law asks, gentlemen, is that jurors like you, who have testified on the stand as to your fitness to serve on the jury, believeln the presumption of innocence, but open to near testimony to overthrow that presumption. The very presumption of the law stated as that gentleman has stated it, and which, started with from this point, must continue—If this case should ever reach you—down to the very momen. You retire to the jury room for consultation, except as it may be, for the purposes of your deliberation, overthrown by the testimony. But, gentlemen, the presumption of the law, in the very language of the gentleman on the is found guilty must remain with you until your verdict then, and not till then, this presumption of the law, in the very language of the gentleman on the stand, becomes overthrown. It has been said that a juror should go into the box with his mind as free from all traces of suspicion, of doubt, of opinion, of impressions, as the old waxen tablet of the koman was believed to be before the from pen of the scribe had made a dot upon its surface. Now, gentlemen, I ask you, is not that the very condition of this juror's mind, upon whose fitness to near, deliberate and determine with you, you are now in judgment. He, gentlemen, believes merely in the pr

amined and testified almost to the same point, that you should receive the gentleman as one of your fellows.

MR. LYMAN TREMAIN REPLIED FOR THE PROSECUTION, and after explaining the duty of the triers and the difference between the challenges for principal cause and for favor, said the oath administered to triers was to decide whether the man stood indifferent between the people and the deioneant. Many little matters were proper for consideration of the triers under that challenge, if on any one tak of the whole case there was a blas in the mind of the juror that rendered him not indifferent. Here was a case of great importance, when there was natural anxiety to have a fair jury. He would recall to them that this was the first man whom the counsel for the defence had failed to challenge. One dissentient juror, he it remembered, could block the wheels of justice and render nugatory the whole trial. This juror, it was found, was blased on the essential question in the case. Counses proceeded to state the indictment against the Mayor, which is under the statute, providing that the whital neglect of duty in an officer made him guilty of a misdemeanor. He recalled the juror's own statements that he did not believe the Mayor acted with any wilful purpose. This was an opinion on the very vital issues in the case, and they therefore opposed his acceptance as a juror.

Chief Justice Daly charged that it was for the

n the case, and they therefore opposed his acceptance as a juror.

Chief Justice Dally charged that it was for the triers to determine whether the juror was impartial and without bias as between the prisoner and the people, and that was peculiarly their province.

The triers found the challenge true.

Marcus Berlina, of No. 264 West Thirty-ninth street, was challenged by the defence. Knew the character of the charges against the Mayor and had talked it over; he had not expressed an opinion as to the Mayor's action in the Board of Andit, but had as to his general action as Mayor. Rejected.

Bomain A. Lukomski (juror No. 3), a trunk manufacturer, of 935 Broadway, who spoke with a strong foreign accent, and whose English was indeed scarcely intelligible, testified that he had not formed an opinion about the Mayor's guilt or inno-

ence; he had not read the newspapers, cid no steer his head about politics, and always avoided the subjects; he had never expressed an opinion a neighbor or friend in the case; knew no one on e Committee of Seventy; did not belong to any sitical association, and had never attended politic limentings; read generally newspapers published English; had sat on juries before; his opinion wild be formed on the evidence and the things in a newspaper for and against the Mayor would we no effect upon him; he believed he had read out the Mayor once in a paper, and ten minutes erwards he had forgotten all about it. (Loud ignier.)

nave no effect upon him; he believed he had read about the Mayor once in a paper, and ten minutes afterwards he had forgotten all about it. (Loud laughter.)

This gentleman, having thus fully established his competency to try the case, was accepted by both Darties, and sworn in as juror number three.

Hall A. Curtis, Jr., next answered and testifled—Am secretary and treasurer of a manufacturing company at No. 7 Park place; had expressed an opinion as to the guilt or innoceace of the Mayor.

The COURT—You may stand aside.

John Ready sworn—Am a manufacturer of leather beiting; know Mayor Hall by naving seen him in public; had conversations about five months ago in regard to the revolution in politics, and then expressed an opinion as to the way the Mayor nad executed his duties; since that time his opinion had been removed, and now he had his doubts as to the guilt or innoceace of the Mayor.

The COURT—You may stand aside.

Charles T. Huntington sworn—Am a broker at 12 Pine street; knew of the charges against the Mayor; had expressed an opinion winatever.

The COURT—You may stand aside; the case for the principal challenge has been proved.

Christin E. Escker sworn—Reside in Lexington avenue; had retired from business two years ago; had expressed an opinion in regard to the charges against the Mayor.

The Court—You may stand aside.

Charles J. Candor sworn—Was treasurer of an fron company on Lake Superior; had here in the mouth of the mayor, might have talked about them, but could not remember; had never knew of the charges against the Mayor; had expressed an opinion win them, but could not remember; had never knew of the charges against the Mayor; had have had a famity; had a summer nouse at high Bridge; voted from Second avenue; had never formed an opinion as to the manner in which the mayor had discharged the duties of his office; had read the papers; resided at 127 Second avenue; had never formed an opinion as to the manner in which the mayor had discharged the duties of his office; had read the papers; resi

he defence, John Brower, sworn—Had expressed an opinion in

the defence.

John Brower, sworn—Had expressed an opinion in ragard to the Mayor's guilt or innocence.

The Court—You may stand aside.
George H. Berryman, sworn—ind expressed an opinion as to the Mayor's guilt or innocence,
The Court—You may stand aside.
Peter C. Rodell, sworn—ind talked about the questions out of which the charges against the Mayor had arisen and had expressed an opinion about them.

The Court—You may stand aside.
Charles W. Nash, sworn—kept an eating house under the Times building; believed his house was a great resort for politicians; did not himself medder with politics; had read the charges against the Mayor in the newspapers, and had expressed an opinion about them.

The Court—You may stand aside.
David P. Conyngham, sworn—Was an editor; resided at 65 Pike street; kae's of the charges against the Mayor; had never expressed an opinion as to the special charges now brought forward, and had, he thought, never formed an opinion; left competent to try the case; had
CLAIMS AGAINST THE CITY
and had had to sue for them; they were for publishing accounts on benalf of the Sanday Democrat; had heard a great deal of newspaper discussion about this question.—The paper of witness had not

ing accounts on behalf of the Sanday beneficial, had heard a great deal of newspaper discussion about this question.—The paper of witness had not been designated by the Mayor for city advertising; the claims were for 1839 and the early part of 1870, before the Mayor had been invested with these powers; thought he had applied to the Mayor and the Comptroller between six and twelve months ago to be paid, had not a pplied to the Mayor more than once or twice; the Mayor had not given a definite answer, but had said the claims would be required into; at the time of the passage of the law the Mayor said that he would not be paid for printing advertisements in the future; some of the claims were against the county witness presented to Mr. loung, the clerk of the County Board of Audit.

The prosecution then proceeded to have the challenge as to layor tried by the two juriers first selected.

The winess continued—My claim was for about the county stanesand deliars; had been cumployed once

The winess continued—My claim was for about twenty thousand dollars; had seen employed once under the Board of Public Works as an inspector; that was in 1858 and a portion of 1859—about a year.

Q. What was your salary?

This was sojected to by the defence, and the prosecution expusined that they desired to show that witness had heid a sinecure by the influence of the defendant.

The Court allowed the question, at the same time explaining that questions should not touch on the private affairs of the gentleman examined more than was necessary.

Q. At what salary? A. Seventy-five dollars of The wilness continued—My claim was for about

private affairs of the gentleman examined more than was necessary.

Q. At what satury? A. Seventy-five dollars a month; that was the entire amount that I received. Q. What was the nature of your office and the services rendered? A. I was Inspector of Streets; I know, and I think also

Q. Did you ever act as Inspector of Lamps? A. Yes, sir; I was not long in that capacity; I do not swear that I was inspector of Lamos.

Q. State the service you rendered? A. I inspected the service done by the men in the streets round the Park.

the service done by the men in the streets round the Park.

Q. You presented this caim for \$20,000? A. There was some \$5,000 or \$6,000 more for the county canvass; in all it was about \$22,000.

Q. Are you certain your claim did not exceed \$20,000? A. I am not certain, but I think not.

Q. Was that claim audited and allowed? A. It was not audited; I asked the Mayor why it was not audited; I asked the Mayor why it was not audited; if asked the Mayor gave me to understand that it would come before the Board of Audit, it might be some months after Mayor gave me to understand that it would come before the Board of Audit, it might be some months after wards tout I again spoke to him about it; he spoke to about the same effect as at first; to my knowledge the claim has never yet been sudited.

Q. Would the fact that your claim was not audited impress you unfavorably against the defendant? A. No, sir; not so far as individuals are concerned; as to the Board, it might; that is to say, if it were a case affecting me only, I should think it unfair, but I understand that there are several other newspapers in the same fix; indeed, I have heard that the question of the legality or these newspaper claims being decided by the Board of Audit has been raised; I think the Mayor himself told me so, but I would not swear to that.

Q. Do you still expect to have that Board of Audit, of which Mayor Hall is a member, past sour claim?

A. I am not aware that such a Board of Audit is in existence.

Q. Has Mayor Hall informed you that that Board

Q. Do you still expect to have that Board of Audit, of which Mayor Hall is a member, pass your claim?
A. I am not aware that such a Board of Audit is in existence.
Q. Has Mayor Hall informed you that that Board has ceased to exist? A. No, sir.
By the defence—Q. You say you have not anything in your mand that would prevent your rendering a a just verdict upon the evidence? A. No, sir.
Ex. Recorder Smith then addressed the jury on the merits of the case. Extraordinary latitude had been given in the examination, in order to secure an entirely unprejudence of remove he was disquainfied. Here was a juror whom the prosecution had endeavored to set aside for the extraordinary reason that he might have a bias against the defendant, although the defendant himself had accepted him on his own statement that he had formed no decided opinion. If any ones had been proved it was on the ground that the defendant, in the discharge of his duty, had refused to pass a claim that the witness had once been in the employ of the city of New York. What man could be more fit to be a juror than one who, like this witness, had preserved his mind free from prejudice against the defendant in the lace of circumstances calculated to create a bias against the defendant the decision had not been made against him individually, but that slimiar decisions had been rendered against the defendant in the lace of circumstances calculated to create a bias against him provided the decision had not been made against him individually, but that slimiar decisions had been rendered against the defendant in the lace of circumstances calculated to create a bias against him provided who had apparent goal the charges made and not come to any conclusion.

Mr. Clinton agreed with the defence that a fair jury should be obtained, and that no member of it should be appended who had any bias or prejudice. In this case the decision had not even know the ducies which he had to utill. Then, in spite of the should be appended who had apparent grounds for a bias against th

the defendant attempting to put such a man on the jury.

THE COURT CHARGEP
that the juror should be impuring as between the people and the defendant, and that they might feel the exact duty they had to perform Judge Daly read a brief passage from a decision in the nignest Court of this State determining both the duty of the triers and the Court. Thus, he said, they would know that the whole responsibility rested upon them, a very large latitude necessarily being allowed in the examination where the question was whether the juror was biased or not. In a case which west familiar to the recollection of many at the present day as the Bowdoin case, the Court

used this language:—"The causes of favor are innatice, and where that which is alleged does not in judgment of law imply a disqualifying bias, it must be left to the conscience and discretion of the triers upon nearing the evidence to find whether toe jury is favorable or unfavorable. The question is whether a juror is, as he assuredly should be, altogether indifferent, and if they find that he is not it is their duty to reject him;" and the Court therefore, in reviewing questions of this nature further state that "it is not the province of the Court to say what is a ground for lavor or not; that this is for the triers to pass upon. Very slight and indecisive evidence of bias is admissible. The influence and effect of what is proved and how far it may have affected the mind of the juror the good sense of the triers must also determine." The Judge concluded:—"Now, gentlemen, this is precisely the office you have to discharge. You are to say whether the witness is impartial and tree from bias for or against the defendant."

The jury found the challenge true, and Mr. Connyngham was therefore set aside.

The Court then adjourned until eleven o'clock this morning.

PROBABLE MURDER OF A POLICEMAN

The Roughs of the Nineteenth Ward on Their Muscle-Desperate Conflict with the Police-Broken Heads and Arms All Round-The Condition of Officers Tully and Lambrecht-Tully Probably Fatally Injured.

On Sunday evening, about ten o'clock, Officer Tully, of the Nineteeath precinct, was called into the lager beer saloon No. 838 First avenue to quell a disturbance and to arrest one Louis Miller. While endeavoring to effect the arrest of Miller the officer was set upon by a gang of roughs who were in the place and who had been acting in a most disorderly manner. To show what the character of this gang was and the bad "corner" in which the officer found himself, it is only necessary to state that it was largely composed of persons engaged either directly or indirectly in the murders which occurred in the neighborhood of Forty-seventh street and First avenue recently. While Tully was jostling round the saloon with Miller he was tripped by the stove, and he fell upon his back on the floor. Instantly several persons fell upon him and beat him with his own club and other weapons. After being rendered almost insen-sible he was pitched into the street, and, reeling and faint from the injuries he had received, he made his way to the station house in Fifty-ninth

immediately sent for, and dressed Tully's wounds, which consisted of two factures of the skull. He

was then taken home to 1,016 Third avenue. Yesterday morning he was considered in such a critical condition that he was removed in an ambulance to St. Linke's Hospital, where he now lies.

Atter doing everything that could be done for Officer Tully after ne had come to the station of the could be done for Officer Cully after ne had come to the station of the could be done for Officer Cully after ne had come to the station of the could be done for Officer Tully after ne had come to the station of the could be done for Officer to dress themselves in citizen's clothest and arrest the assailants of Officer Tully. They prepared themselves for a nazardous undertaking, and issued from the station noise fully determined; if they jound the party to arrest them. On arriving of the corner of Fifty-inulti screet and Second avenue they came in contact with six drunken rock blasters who were watting for the cars. They mistock the other for citizens, when the latter spoke of them went. For citizens, when the latter spoke of them went. For citizens, when the latter spoke of them went. For citizens, when the latter spoke of them went. For citizens, when the latter spoke of them went. For citizens, when the latter spoke of them went. For citizens, when the latter spoke of them went. For citizens, when the latter spoke of them went. For citizens, when the latter spoke of them went. For citizens, when the latter spoke of them went. For citizens, when the latter spoke of them went. For citizens and the six brawing rock blasters, the latter using their dist in the firm amount by a blow of a flat on the six done in the firm amount by a blow of a flat on the six done in the firm amount by a blow of a flat on the six done in the firm amount by a blow of a flat on the six done in the firm amount by a blow of a flat on the six done in the flat of th

THE SWINDLING SIRENS AGAIN.

The Third Attempt at Closing the Examina-

tion—Narrow Escape of an Extensive Broad-way Hair Dealer. The case of Eva St. Valerie and Libby Doris, the two swindlers, came up at the Tombs Police Court

again yesterday morning before Judge Dowling.

Owing to the inability of either of the counsel for the defence—Howe and Price—to appear, there was another adjournment had, next Wednesday being set apart for the final examination.

It seems the case of Messrs. Charles V. Peckham & Co., of 687 Broadway, dealers in human hair, will be made the test one, the evidence in this being more complete than in any of the others. Mr. Peckham says St. Valerie, or a person greatly resembling her, came to his store some months since, and, after looking at several thousand dollars' worth of chignons and the fluest curis of all snades and colors, selected about six hundred dollars' worth, which she ordered packed ap and sent to her address. She wrote the number of the house and street on a card, which she left with Mr. Peckham; but the store being full of customers at the time the card was mislaid or lost in some way, so that the goods could not be sent until the hady should again appear. But she kept away, greatly to Mr. Peckham; surprise, and that genileman, as time wore on "and still she came not," began to think he had lost a first class customer through his carelessness in losing that card. He is not positive that St. Valerie is the woman, but says she greatly resembles her.

RAPID TRANSIT.

The new steamboat, the Sylvan Deil, which has just been built for the Hariem steamboat line, yes-terday made her trial trip. In addition to the diterday made her trial trip. In addition to the directors a large number of steamboat men and other invited guests were present. The trial was a most satisfactory one as to the trial of the steamer's speed, she fully coming up to the expectations in this regard. The steamer left from the toot of North Moore street, went several miles up the Hudson, then returned, rounded the Battery and went up the East River to Hariem. Her length of Keel is 170 feet, breadth of beam 26 feet, and depth of hold 9 feet; her cylinder is 51 inches in Stream, Sylvan Grove and Sylvan Glen, this makes four steamers on the line, which will be none too many to accommodate the rapidity increasing travet by this route. The new coat, like the others, is to enicely inrinshed, and in about three weeks will commence her trips. She will be put on as an express loat, and will be able, as shown yesterday, to make the trip from Harlem to Peck slip in twenty-three minutes.

THE COURTS.

Interesting Proceedings in the United States, New York and Brooklyn Courts.

Opening of the February Term of the United States Circuit Court-Charge of Judge Blatchford to the Grand Jury-The Jumel Estate Case—An Admiralty Suit—Proceedings in Bankruptcy-Action Against the Adams Express Company-The Stokes Case-The Belden Will Litigation.

UNITED STATES SUPREME COURT.

The Delaware and Hudson Canal Company Defeated in the High Court on Their Conl Trade Mark—Decision on Import Duties on Birds Brought Ashore Alive. WASHINGTON, D. C., Feb. 26, 1872,

WASHINGTON, D. C., Feb. 26, 1872, The following decisions were made in the Supreme Court of the United States to-day:— No. 95. Delaware and Hudson Canal Company vs. Clark-Appeal from the Circuit Court of the Southern District of New York,-In this case the Delaware and Hudson Canal Company sought to Delaware and Hudson Canal Company sought to easion the defendant, a coal dealer in Providence, R. I., from selling Lackawanna coal, on the ground that they had adopted that name as a trade mark many years ago, and were, therefore, entitled to its exclusive use within the trade. The Court below dismissed the bill and this Court affirms the decree, holding that as sound doctrine no one can apply the name of any district of country to a well-known article of commerce and obtain thereby any exclusive right to its use. Geographical and generic names cannot be so adopted and appropriated. Mr. Justice Strong delivered the decision.

No. 119. Reiche vs. Smyth, collector-Error to the Circuit Court for the Southern District of New York.—In this case the plaintiff in error sued to recover duties on birds, paid under prorecover duties on birds, paid under protest, and the Court below held that an act which named birds as an existence distinct from animals had been repealed by one which simply made living animals subject to import duty. This Court held that as the former act, making living animals and birds free of duty, distinguishest between the two; and as the latter act, subjecting living animals to duty, does not use any language inconsistent with the distinction made in the former act, that distinction must be deemed to apply to the latter act, and, therefore, birds are still free of duty and the judgment is reversed. Mr. Justice Davis delivered the opinion.

No. 99. Wilmington and Western Railroad Company vs. Reid, Sheriff-Error to the Supreme Court of North Carolina.—In this case the Court below enforced a tax recently imposed by statute upon the property of the railroad company, while by its charter, in consideration of the construction of the road as therein specified, it was forever exempt from State taxation. This Court say that however impolitle it may be in the sovereign to allow the taxing power to pass out of its hunds, still when it was done the Court will enforce the contract the same as if it were between private parties. In this case the taxation is deemed to impair the contract of exemption, reads by the the property of the railroad company, while by its

private parties. In this case the taxation is deemed to impair the contract of exemption made by the charter of the company, and the tax is, therefore, held to be illegal and the statute imposing it void. The judgment is, therefore, reversed. Mr. Justice Davis delivered the opinion.

No. 100. Raleign and Gaston Railroad Company vs. Reid-Error to the Supreme Court of North Carolina.—The exemption in this case was for a term of years, and it is held good for that period, according to the terms of the charter. Mr. Justice Davis delivered the opinion.

UNITED STATES CIRCUIT COURT.

Opening of the February Term. term of the United States Circuit Court in the Court

room of the District Court.

Mr. Stliweil, Deputy Cierk, called over the names of the gentlemen on the panel, after which the Grand Jury (Mr. Charles A. Macey being Foreman)

were sworn in. Judge Blatchford, after briefly adverting to the important duties the Grand Jury had to discharge, said that the system of defrauding the government by smuggiing was very much on the increase, and smuggiers were becoming daring in their operations. It was their duty, as jurors and as citizens, to promptly and learnessly find bills of indictiment against every one shown upon proper evidence to have been engaged in this practice. He was informed that many cases of this character would be brought before them. He regretted to say that smagging had hithertobeen treated more as a matter to be compromised than as an odence against the law to be prinished; and it was quite time that smuggiers should understand they cannot cheat the government with impount. The learned Jurge then adverted to the law on the subject of the giving of bribes to public officers for the purpose of influencing their official action in getting goods through their official action in getting goods through their official action in getting goods through their official action in realting goods through their official action in retting doods through their official action in realting their official action in realting foods through their official action in retting another the person convicted of receiving a pripe, if an officer of the United States, shall forfeit his place, and thenceforward be disqualified from holding any position under the by smuggling was very much on the increase, and this offence is three years' imprisonment and the person convicted of receiving a bribe, if an officer of the United States, shall forfeit his place, and thencelorward be disqualified from holding any position under the government. The act of July, 1866, was substantially to the same effect. The great difficulty, as they could well understand, which stood in the way of enforcing the law in regard to the giving and receiving of bribes for the perversion of public trists, was that the matter was confined to the giver and receiver, and no person was bound or permitted to testify to anything that would criminate himself. But the Congress of the United States perceived this embarrassment in 1863, and passed a law to get rid of this difficulty, and the law was to this effect: that no discovery or evidence obtained in reference to the giving or receiving of such bribes shall be given in evidence against any party whatever in any suit in any Court of the United States, so that no individual could say that he could not give evidence. The law said that a person may testify in regard to such transactions, and that the testimony could not be used against him. Therefore a weapon was put into the hands of the government for the purpose of ierreting out those secret transactions which take place between the fraudulent givers and the fraudulent receivers of bribes. There was one other studied within he was especially desired to call their attention to, and he commenced it to their investigation. Many of them were undoubtedly familiar with transactions were called the business of 'locking up money' for the purpose of leading the appetite for specialation and gambling, already sufficiently rite and keen in this sommainty without the and of any such adventitious means. Congress had passed a law striking at this offence, and if this law had been violated the act of Congress would enable them to put a stop to this system of "locking up money." The statule was passed the 19th of February, 1869. It affected all military and banking i

Before Judge Shipman. The further hearing of the case of George Wash-

ington Bowen vs. Nelson Chase was resumed yes-

Jumei, Mr. Charles O'Conor, of counsel for defend-ant, offered in evidence the application of Madame Jumel to the United States government, dated the Jumel to the United States government, dated the 20th of May, 1862, asking that a pension be conferred upon her as the vidow of Colonel Aaron Burr. In this application, which was made under oath, Madame Jumel stated her age to be eighty-four years and upwards, so that, according to this statement, she must have been eighty-seven years old, or thereabouts, at the time of her death, which occurred in 1865.

Among the witnesses dyamined years again.

must have been eighty-seven years old, or thereabouts, at the time of her death, which occurred in 1865.

Among the witnesses examined yesterday was Mrs. Perry, whie of Mr. Paul J. Perry. This hay is daugnter of Mr. Nelson Chase, the defendant. She was examined at considerable length by Mr. Charles O'Conor. She testified that she had travelled in France on several occasions with Madame Jumel, who always treated her with the greatest affection and regard; Madame Jumel and informed her that she had come near being an April 1001 (laughter; she had come near being an April 1001 (laughter; she said she remembered the year on account of the three sevens; Madame spoke to her in relation to family matters, and said she never had a son.

Mr. Chauncey Shaffer cross-examined the witness, and asked her in relation to what became of the keys of Madame Jumel at the time of her death, and whether they were not taken from Madame by persons named Flangay and Carroli. She replied that they were not; that the keys were lying on the table at the time. She further testified that Madame's diamonds were left to her (witness) under her marriage settlement, and that therefore they were her property.

Mr. Nelson Chase, the defendant, was next examined in relation to various circumstances in the since of the set of the set of Madame Jumel. Madame had told Mr. Chase

that she was the daughter of John Bowen, a seafaring man, and that her mother's name before she married her father was rhebe Kelly. She had also told him there were two other children, her brother John and her sister, who alterwards became Mrs. Maria Jones. He never heard Madame say she had a son; never heard Mrs. Jones say mat Madame Jumel had a son. With respect to the allegation that Mr. Chase had restrained Madame of her fiberty and prevented her seeing her friends, Mr. Chase testified that that was not the fact; he had never done so; Madame Jumel was the most determined spirit he had ever met with either in life or in history, and, so far as he knew, she could at any time have gone to Rhode Island until sae became so indirm as not to be able to travel. The witness was handed a drait of a will of Madame Jomel, which he identified to be in the handwriting of the late William Inglis, a law-yer of this city, with whom he was, he said, intimately acquanted. The original of this will was lost; but Mr. Chase testified that he had seen the original will, and he was now able to state from recollection that the contents of the original agreed suestantially with the drait now produced. On a former day Mr. O'Conor read this draft will to the jury for the purpose of showing that it does not contain any reference by Madame that she ever had a son.

At this stage of the case the Court proposed to adjourn.

Mr. Carter, of counsel for defendant, stated that

Mr. Carter, of counsel for defendant, stated that he had just received a telegram from Washington, deut-nding his presence there of the following day in an argument before the Supreme Court; he could not possibly avoid the engagement.

Counsel for plantiff suggested that Mr. Carter might be asset to secure the assistance of a substi-

might be and to secure the assistance of a substitute.

A suggestion was thrown out that, in view of Mr. Carter's absence, it would be proper to let this case go over for one day.

Judge Shipman said he could not do that. If he could be assured that the case would finish a week from next Saturday he might be satisfied; but he was receiving requests to go up to Connectiout to try cases there. He had got such a request this morning, and, no doubt, he would receive another such request to-morrow. He could not postpone the case for a day.

The case was then adjourned till this day at one of clock, to enable one of the purers to attend a sale of property in when he is interested. The juror referred to promised fauthfully that he would be in Court at the hour fixed for its sitting.

tie Equity Calendar.
Judge Woodren called over the equity calendar
and set down days for the hearing of causes.

UNITED STATES DISTRICT COURT—IN BANKBUPTCY.

· A Petition Dismissed. Yesterday, in the matter of Louis T. Bronnell and others, in which a creditor charges as an act of bankrupt to one Leach, and to which assignment the pentioning creditor assented, Judge distantiford holds that this assent estops the petitioner from making the assignment a ground for declaring the assignment a ground for declaring the assignee an involuntary bankrupt. Petitions dismissed, with costs.

UNITED STATES BISTRICT COURT-IN ADMIRALTY.

A Collision Case. Yesterday Judge Blatchford rendered a decision in the case of William M. Peck and others vs. John Brown and others. It was a suit to recover the value of the bark Czarina and of her charter money for a voyage. The bark was lost by a collision with the steamer Kedar, on the 1st of September, 1864, about two hundred and torty mites from New York. The Czarina was sunk with her cargo, but the crew was saved. The Judge decides that the sallt lay with the bark, and dismisses the libel with costs.

UNITED STATES COMMISSIONERS' COURT

Stealing Newspapers from the Post Office.

Before Commissioner Shields.

The United States vs. Robert Burke.—The delendant was held to await the action of the Grand Jury on a charge of having stolen exchange news-papers out of the Post Office box of a weekly journal published in this city.

COURT OF COMMON PLEAS-PART I.

Suit Against the Adams Express Company. Before Judge Robinson and a Jury.

Henry Randel et al. vs. William R. Dinsmore, President. -In April, 1870, Clark, Biddle & Co., of Philadelphia, bought of the plaintiffs, who carry on Philadelphia, bought of the plaintiffs, who carry on the business of jewellers in Malden lane, in this city, a quantity of jewelry, including two unset diamonds, valued respectively at \$1,700 and \$200. The goods were packed in a box in plaintiffs slore, and delivered at Adams Express office in his city to be transported to Philadelphia. When the box was opened by Clark & Co., in Philadelphia, it was discovered that the two diamonds were wanting, and plaintiffs now sue for the recovery of their value, claiming that they had been either abstracted or lost while the box was in possession of the express commany. The defendants allege that the diamonds never were delivered to them, and that the mistage in not putting them in the box must have occurred while the articles were being packed in plaintiffs' store. The case is not concluded.

The Stokes Farce-Judge Cardozo too Much

A large crowd had collected outside the Tombe at an early hour yesterday morning in expectation of having a look at Stokes, on his way to the Court of Oyer and Terminer. They were, however, doomed to disappointment, as the Sheriff had been informed early yesterday morning that it was not necessary to oring Stokes to Court, as andge Cardozo would be unable to come down. The Judge is so much absorbed in the judiciary investigation that he could not come down to try the case.

The Court of Oyer and Terminer was only formally opened and adjourned. A large crowd had

The Belden Will Case.

The Belden will case was called before Surrogate Hutchings yesterday. Winchester Britton occupied the entire time in

Winchester Britton occupied the entire time in summing up the case for Mrs. Leichardt. The counsel for the contestant asked for a postponement, and Surrogate litterings set down the case for twelve o'clock on shouldy next.

Mrs. Leichardt his not appeared in Court since the testimony regarding the relation between herself and her deceased uncle was given.

COURT CALENDARS -THIS DAY.

COMMON PLEAS—TRIAL TERM—Held by Judge 1257, 12594, 1271, 1271, 1270, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 1271, 127

BROOKLYN COURTS.

SUPREME COURT-SPECIAL TERM A Cortested Election Case.

Mr. John P. Douglass claims the seat of Mr. Andrew J. Poster, who received the certificate of Andrew J. Poster, who received the certificate of election as Alderman of the Eleventh ward. Mr. Foster's certificate sets forth that he was elected by a majority of one vote. Mr. Douglass has brought suit to obtain possession of the office.

Yesterday his counsel, Mr. Goodrich, applied to Judge Chibert for a "struck jury" to try the case, a right given by the levised statutes when it appears to the Gourt "mat a lair and impartant trial cannot be had without a "struck jury" to that the importance or induced of the cause requires such a jury." Such a jury is obtained by the County Clerk or Commissioner of Jurors selecting from the large hists the mames of forty-eight persons whom he considers most induferent and best quantied. Then the counsel of the respective parties engaged in the suit afternately strike out names until twelve have been rejected by each. The twenty-four remaining being summoned a jury of twelve is selected from them.

Mr. Goodrich thought that a sufficient reason for a "struck jury" was the fact that there was a very large number of witnesses to be examined on both sides (nearly five hundred), and it was important to obtain a jury that would agree on the first trial, in order to save expense to the county and parties engaged.

Mr. Morris contended that a jury could the obtained in the usual way which would as readily agree as a "struck jury."

Decisions reserved. election as Alderman of the Eleventh ward, Mr.

Decisions.

By Judge Pratt.

David A. Youngs vs. Caspar Hoffman.—Motion denied, and piamitif allowed to amend on payment of \$10 costs, and \$10 costs of this motion to be paid and sammons amended in twenty days; otherwise denied, with \$10 costs,

George Taicott vs. Oliver Arnold et al.—No costs allowed on appeal from order, except disburse-

ments.
Edwin Van Gassbeck vs. Long Island Railroad Company. Same decision.